

REMARKS

This is responsive to the Office Action mailed October 6, 2005, in which the Examiner rejected claims 1, 4, 7 and 9 under 35 USC §102 as being anticipated by Alheit (U.S. Patent No. 1,645,470; rejected claims 2, 3 and 5 under 35 USC §103(a) as being obvious over the combination of Alheit and Saveth (U.S. Patent No. 4,002,287); and, rejected claim 8 as being obvious over the combination of Alheit and House, II et al (U.S. Publication No. US 2003/0057809). Claims 10-14 were allowed, and claim 6 was objected to as being dependent upon a rejected base claim. Reconsideration of the Examiner's rejections in view of the arguments given below is respectfully requested.

Applicant's Invention

The display case of this invention comprises a first section having a top wall, a bottom wall and a back wall connected between the top and bottom walls, and, a second section having opposed side walls with a front wall connected between them. In the preferred embodiment, each of the first and second sections is formed as a one-piece structure. The second section slides into engagement with the first section to form a closed interior. The bottom wall of the first section is integrally formed with a bracket which includes first and second arms, with one of the arms oriented parallel to and spaced from the bottom wall to form a space within which a shelf is received. A thumb screw or other mounting device extends through the bracket arm to engage the shelf and secure the display case thereto.

Rejection of Claims 1, 4, 7 and 9

The Examiner rejected claims 1, 4, 7 and 9 as being anticipated by Alheit. In paragraph 3 of the Office Action claim 1 was essentially repeated, and the Examiner argued that the display

case shown in Fig. 1 of Alheit comprises all of the elements of such claim without identifying what structure corresponds to what element of the claim. It is submitted that Fig. 1 of Alheit (or Fig. 4) cannot be read on claim 1 of the present application, nor is claim 1 obvious in view of Alheit.

Paragraph 1 of claim 1 calls for a first section having a top wall, a bottom wall and a back wall connected between the top and bottom walls. The bottom wall is formed with a bracket having first and second arms connected to one another. A space is formed between the second arm and the bottom wall which is adapted to receive a shelf.

The only structure of Alheit which could possibly be considered to read on paragraph 1 is the bracket shown in Fig. 2 which supports the display case 8 as depicted in Fig. 1. The bracket is the only structure of Alheit having an arm adapted to receive a shelf. If one attempts to read paragraph 1 of claim 1 on such bracket, its "top wall" would have to be arm 9, the "bottom wall" is foot 2 and the "back wall" is body portion 1 which extends between the arm 9 and foot 2. The bottom wall or foot 2 has a first arm 5, and a second arm 6 which is spaced from the bottom wall or foot 2. This suggested reading of paragraph 1 of claim 1 on Alheit would be consistent with paragraph 3 of such claim where a mounting device is recited which is insertable through the second arm of the first section and into contact with a shelf. Such "mounting device" could be read on the thumb screws 7 extending through the second arm 6 of the bracket of Alheit.

Paragraph 2 of claim 1 recites a second section having a first side wall, a second side wall and a front wall connected between the first and second side walls. This second section is joined with the first section to form a closed interior. Such closed interior is formed by the first and second side walls of the second section abutting the back wall of the first section, and the top and bottom walls of the first section contacting the front wall and side walls of the second section.

What is the "second section" in Alheit? The only structure shown in Fig. 1 (or Fig. 4) of Alheit other than the bracket is the display case 8. But the display case 8 cannot be the "second section" within the meaning of claim 1. It is not joined with the bracket to form a closed interior. The display case 8 has a top wall, bottom wall, side walls and end walls all interconnected by screws to form a closed interior itself. No part of the structure of the "first section" of Alheit, e.g. the bracket, is joined with the second section, e.g. the display case 8, to form a closed interior. The back wall or body portion 1 of the bracket of Alheit does not abut the side walls of the "second section" (display case 8) as required in claim 1. And both the top wall or arm 9 and the bottom wall or foot 2 of the first section (bracket) do not contact the front wall and side walls of the second section (display case 8) as also required in claim 1.

Claim 1 is clearly not anticipated by Alheit. Claims 4, 7 and 9 are allowable for the same reasons as claim 1.

Rejection of Claims 2, 3 and 5

Claims 2, 3 and 5 were rejected over Alheit in view of Saveth. Alheit is distinguished from the present invention as discussed above, and the deficiencies of Alheit are not cured by Saveth. Regardless of whether or not the first and second sections of Alheit are formed in one-piece, as required in claims 2 and 3, they are not joined to form a closed interior. In fact, if the "second section" or display case 8 of Alheit was formed in one-piece, it could not be opened to insert articles for display, contrary to the teachings of such patent.

With respect to claim 5, the Saveth reference discloses in Figs. 9 and 10 a two-piece construction in which each piece is generally U-shaped with opposed sides and a wall connected between the sides. Neither piece has one wall (top wall) formed with an upper lip and an opposite wall (bottom wall) formed with a lower lip, wherein the upper and lower lips align and

extend toward one another.

Claims 2, 3 and 5 are clearly allowable over the proposed combination of Alheit and Saveth.

Rejection of Claim 8

Claim 8 was rejected over the combination of Alheit in view of House II, et al. The House II, et al patent is cited as teaching a display having a mirror. As noted above, the "first section" of Alheit is the bracket. Its "back wall" is the body portion 1. House II, et al teaches mounting a mirror within the interior of the display case, which, if combined with Alheit, would have to be some where within the display case 8 of Alheit (the "second section") and not on the body portion 1 of the bracket (the "first section") which supports the display case 8. Claim 8 recites that a mirror is mounted to the back wall of the first section not the second section. The combination suggested by the Examiner is improper, and claim 8 is clearly allowable.

In view of the arguments given above, applicant considers all claims in the application to be allowable and respectfully requests early notification of same.

Respectfully submitted,

HOLLAND & KNIGHT LLP

CUSTOMER NO. 23573

By Thomas L. Kautz
Thomas L. Kautz, Reg. No. 28,726

One East Broward Blvd., Suite 1300
Fort Lauderdale, Florida 33301
(954) 468-7847

3490731_v1